

BEFORE THE ARKANSAS CEMETERY BOARD

IN THE MATTER OF

B & B ENTERPRISES OF  
STAR CITY, INC. D/B/A ROSELAWN  
MEMORIAL GARDENS CEMETERY,  
PINE BLUFF, ARKANSAS

Order Approving Change  
of Ownership Application  
Pursuant to Ark. Code  
Ann § 20-17-1012

ORDER NO. 00-068-C

ORDER

On this 30th day of November, 2000, the matter of B & B Enterprises of Star City, Inc. d/b/a Roselawn Memorial Gardens Cemetery, Pine Bluff, Arkansas ("B & B") and the Roselawn Memorial Gardens Cemetery Permanent Maintenance Trust Fund ("Trust Fund"), comes on to be heard by the Arkansas Cemetery Board ("Board"). From the Legal Notice and Agenda, proof of proper and timely publication of the same, testimony of Charles F. Handley, the exhibits and all other matters presented, the Board, being well and sufficiently advised as to all matters of fact and law herein, hereby finds, concludes and orders as follows:

FINDINGS OF FACT

1. At one time B & B owned and operated a perpetual care cemetery in or near Pine Bluff, Arkansas, within the meaning of the Cemetery Act for Perpetually Maintained Cemeteries, Act 352 of 1977, as amended ("Act"), and the Cemetery is subject to the Act and Board.
2. The Trust Fund is a cemetery permanent maintenance trust fund which is subject to the Act and Board.
3. Because B & B failed to deposit \$1,746.00 to the Trust Fund as ordered by the Board, B & B's permit was revoked and B & B and the Cemetery were placed in receivership per actions filed with and approved by the Chancery Court of Jefferson County, Arkansas.

4. Because there was a shortage due the Trust Fund and some insurance claims needed to be filed, the Board had a receiver appointed for the Trust Fund per actions filed with and approved by the Chancery Court of Jefferson County, Arkansas.
5. Currently, Mr. Clarence Davis is the Receiver for B & B and the Cemetery.
6. Currently, Mac Dodson, Secretary of the Board, is the Receiver for the Trust Fund.
7. The Bank of Star City foreclosed on the mortgage which was secured by the cemetery land and is currently the owner of the cemetery land.
8. On October 26, 2000, an Arkansas corporation named Griffin Services, Inc. ("Applicant"), filed a change of ownership application with the Board which reflected that it was purchasing the cemetery land and other cemetery assets from the Bank of Star City.
9. This change of ownership application contained the following documents and information:
  - A. A \$100.00 filing fee;
  - B. A statement of the proposed changes to the permit;
  - C. A copy of the proposed rules and regulations for the Cemetery;
  - D. A proposed new trust agreement which names Keith Griffin as the Trustee for the Trust Fund pursuant to Ark. Code Ann. § 20-17-1014(3);
  - E. A statement regarding the proposed transfer;
  - F. A copy of a current title insurance policy showing that the Bank of Star City has good title to the cemetery land;
  - G. A statement that the Applicant does not own and operate any other cemetery;
  - H. A statement that there are no legal proceedings pending against the Applicant;
  - I. A copy of the Applicant's Articles of Incorporation;
  - J. A copy of a motion which was filed with and approved by the Chancery Court of Jefferson County, Arkansas in which the Applicant set forth a plan to pay all known liabilities of B & B and the Cemetery, pay the shortages due the Trust Fund, purchase the cemetery land from the Bank of Star City, etc. A copy of this motion is attached as Exhibit "A";

- K. A statement that the Applicant will continue to deposit 15% of the gross sales price of lot sales when the sales contract is paid in full;
- L. A financial statement on the Applicant from an independent certified public accountant;
- M. A statement that the land covered by the permit shall remain the same;
- N. A statement that there will be no mortgage on the cemetery land; and
- O. A statement that a crematory will be built on the cemetery land.

#### CONCLUSIONS OF LAW

- 10. Ark. Code Ann. § 20-17-1012 and Rule 11 require that when any cemetery company subject to the provisions of the Act is to be sold or the ownership otherwise transferred, or a controlling interest in same is sold or so transferred, the cemetery company to whom the current permit is issued or the cemetery company proposing to purchase shall file an application for the issuance of a new permit with the Board, and the Board shall approve the application before a new permit is issued.
- 11. Ark. Code Ann. § 20-17-1012 and Rule 11 require that an application for change of ownership of a cemetery which is subject to the Act contain certain specific information and documents.

#### OPINION

- 12. The Applicant has filed all of the information and documents required by the Act and Rules of the Board to be made a part of an application for a change of ownership of a perpetual care cemetery and the Chancery Court of Jefferson County, Arkansas has conditionally approved the purchase of the cemetery land by the Applicant.

#### ORDER

IT IS THEREFORE ORDERED that the change of ownership application be approved as filed and a new permit be issued to the Applicant to own and operate the Cemetery as a perpetual care cemetery upon receipt of the Applicant filing proof with the Board within sixty (60) days that it has met all the conditions contained in the Chancery Court Motion attached as Exhibit "A".

IT IS FURTHER ORDERED that the Applicant shall continue to deposit fifteen percent (15%) of the gross sales price of lot sales to the Trust Fund for each such paid-in-full contract sold in the Cemetery.

This order having been omitted from the records is entered nunc pro tunc.

DATED THIS 18<sup>th</sup> DAY OF DECEMBER, 2000.

ARKANSAS CEMETERY BOARD

  
DILLARD MARTIN, Chairman

  
MAC DODSON, Secretary